

NEW HAMPSHIRE LAW LIBRARY

SEP 03 1998

CONCORD, N.H.

1952

May 23

Frank D. Merrill, Commissioner,  
Department of Public Works and Highways  
State House Annex

Dear Mr. Merrill:

You have asked for an interpretation of R.L., c. 90,  
Part 13, s. 9, as amended by laws of 1951, c. 83:

"Unobligated Funds. Any joint fund remaining un-  
obligated at the end of the year for which allocated,  
shall revert to the state and the contributing city,  
town or unincorporated place in the same proportion  
as each contributed to the said fund."

Because of the fact that the fiscal year of the state is nearing its end,  
it becomes important to determine what funds should be considered unobli-  
gated.

Apportionment A funds are disbursed for projects per-  
formed without the aid of designs, whereas apportionment B funds in most,  
if not in all, cases, are disbursed for the performance of work which  
does require designs. Accordingly, it is believed that the two types of  
apportionment require different interpretations.

It is my opinion that any joint fund created by virtue  
of apportionment A should be considered unobligated as to any unexpended  
balance remaining on June 30 of any year in any town, except where a con-  
struction project to be financed thereby is in progress, as evidenced by  
equipment and men actually engaged in construction pursuant to previous ap-  
proval.

Balances remaining in funds created by apportionment B  
remaining on June 30 of any year should be considered unobligated unless a  
contractual agreement for the expenditure thereof has been executed between the  
town or city and the Department of Public Works and Highways, and unless  
the share of the fund to be contributed by the town or city has been re-



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mitted to the State. An approved application (HTRA 206) for a project upon which funds are being expended for its design shall constitute a contractual agreement if the local authorities have been duly authorized by action of town meeting or city council, as appropriate, to enter into the necessary agreements with the State for the project.

Very truly yours,

Maurice M. Blodgett  
Deputy Attorney General

NMB:HP